Backward Classes in the higher echelons of judiciary and if so, what are the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) and (b) As on 15.2.1999 there were 25 Judges in the Supreme Court of India and 442 Judges/ Additional Judges in position in various High Courts of the country.

There being no reservation in the matter of appointment of Judges of the Supreme Court and the High Courts on the basis of caste or class of persons, information is not maintained separately for caste or class etc. The Government have, however, addressed letters to the Chief Ministers of the States and the Chief Justices of the High Courts from time to time requesting them to locate suitable persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women for appointment as High Court Judges.

Proposals for creation of Legislative Councils in States

117. DR. ARUN KUMAR SARMA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the States where Legislative Councils are functioning at present and since when;

(b) the States from which proposals for creation of Legislative Councils has been received by the Ministry;

(c) the present status of such proposals;

(d) whether there is any such proposal from the Government of Assam in this regard; and

(e) if so, by when the same would be given effect to?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) The requisite information is being collected and would be laid on the Table of the House.

(b) to (e) The proposals for revival/ creation of Legislative Councils have been received from the States of Punjab, Tamil Nadu and Assam. No decision has yet been taken in the matter.

National Judicial Academy

118. SHRI SHIBU SOREN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that Government are contemplating to form National Judicial Academy soon;

(b) if so, the details of its aim and objectives, its constitution, membership, power, etc.; and

(c) by what time the same would be established?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) and (c) The Government has set up a National Judicial Academy, which is registered as a Society, with effect from August 17, 1993. The Academy is located at Bhopal in Madhya Pradesh with its registered office at New Delhi. The complex of the Academy, which is under construction, is expected to be completed by December, 1999. The Academy, which is at present functioning on a limited basis from its registered office in New Delhi, will become fully operational after the construction of its complex is completed and the requisite officers and staff are in position.

(b) The membership of the Academy is confined to the Chief Justice of India (ex-officio chairman), two puisne judges of the Supreme Court of India, Chief Justice of a High Court, one Judge of another High Court and two law academics. Secretaries to the Government of India in the Department of Justice, Department of Legal Affairs, Department of Personnel & Training, Department of Expenditure and Registrar General, Supreme Court of India are its ex-officio members.

The aim and objectives of the Academy, *inter-alia*, include providing training and continuing education to Judicial Officers of States/UTs as well as to the ministerial officers of Supreme Court of India, conduct of study and research in matters relating to court management and administration of justice including publication of papers, books, journals in this regard, to organise conferences, seminars and lectures, to enhance the

capabilities of the existing training institutions for judicial officers and to establish Regional Centres to promote its objects.

The management of the Society has been entrusted to the Governing Council under the Chairmanship of the Chief Justice of India. Two Judges of the Supreme Court of India, Secretaries to the Government of India in the Department of Justice, Department of Legal Affairs and Department of Expenditure are its other members. The Registrar General, Supreme Court of India is the Convener of the Governing Council.

The Governing Council has all the powers which may be necessary or expedient for the furtherance of the objectives of the Academy.

न्यायिक प्रणाली के संबंध में अध्ययन

119. **श्री गोपाल सिंह जी. सोलंकी:** क्या विधि, न्याय और कंपनी कार्य मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या सरकार द्वारा न्यायिक प्रशासनिक दंड संहिता और कानूनी कार्यवाही की विद्यमान प्रणाली के संबंध में कोई विस्तृत अध्ययन कराया गया है;

(ख) यदि हां, तो उसका ब्यौरा क्या है;

(ग) इस संबंध में सरकार और न्यायपालिका की क्या प्रतिक्रिया है;

(घ) क्या न्यायपालिका को लोकप्रिय बनाने के लिए उसे नया स्वरूप प्रदान करने, सरल बनाने और आम आदमी की पहुंच के भीतर लाने का कोई प्रस्ताव है; और

(ङ) यदि हां, तो तत्संबंधी ब्यौरा क्या है?

विधि, न्याय और कंपनी कार्य मंत्री (श्री एम. थम्बी दुरई): (क) से (ङ) विधि आयोग और बकाया समिति जैसे विभि अन्य निकाय, समय-समय पर न्यायपालिका, दंड संहिता और विधिक कार्यवाहियों से संबंधित विभिन्न मुद्दों पर अध्ययन करते रहे है। हाल ही में, विधि आयोग ने, दंड प्रक्रिया संहिता का व्यापक पुनर्विलोकन किया और मामलों के त्वरित निपटान की बाबत अनेक सिफारिशें करते हुए अपनी 154वीं रिपोर्ट प्रस्तुत की। इसके अतिरिक्त, दंड प्रक्रिया संहिता और सिविल प्रक्रिया संहिता का संशोधन करने के लिए विधेयक, राज्य सभा में, क्रमश: मई 1994 और अगस्त, 1997 में पुन:स्थापित किए जा चुके हैं जिनमें अन्य बातों के साथ मामलों के त्वरित निपटान के लिए कतिपय उपबंध भी हैं।

2. आयोग/समिति द्वारा की गई सिफारिशों को ध्यान में रखते हुए, सरकार कालिकत: समुचित उपाय करती रही है। उन उपायों में मामलों के त्वरित निपटान के लिए विधिक कार्यवाहियों का सरलीकरण, न्यायालयों में कम्प्यूटरीकरण, जिसके अंतर्गत मामलों का सूचीकरण भी है, विशेष मजिस्ट्रेटों की नियुक्ति और समय-समय पर न्यायाधीशों की संख्या का पुनर्विलोकन भी है। ये उपाय एक नया दृष्टिकोण अपनाने के लिए दिशा प्रदान करेंगे और न्यायपालिका को जन सामान्य की पहुंच के भीतर लाएंगे।

3. और, सरकार ने, मध्यस्थम् मध्यस्थता और समझौते जैसी विवाद समाधान की वैल्पिक पद्धतियां अपनाई है। 9-11-95 से यथासंशोधित विधि सेवा प्राधिकरण अधिनियम, 1987 के प्रवर्तन के साथ लोक अदालतों को कानूनी आधार दे दिया गया है। लोक अदालतें, विवादों के समाधान के लिए प्रभावी और सफल अनुपूरक मंच साबित हुई हैं।

Criteria for Appointment of Judges of Superme Court and High Courts

120. SHRI GHUFRAN AZAM:
SHRI ABANI ROY:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the criteria for appiontment of judges to the Supreme Court and High Courts;

(b) whether the Government have received spate of representations to favour representatives of weaker sections of societies for the purpose;

(c) if so, the reaction of Government thereto; and

(d) the details of the steps taken to bring transparency in the functioning of judiciary in the country?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): (a) to (c) Representations are received from time to time from different quarters suggesting representations in favour of weaker sections of societies.

The appointment of Judges of the Supreme Court and the High Courts is made in terms of Article 124 and Article 217 of the Constitution of India respectively, which do not provide for reservation for any caste or class of persons. The Government have, however, addressed